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APPLICATION NO.	. I	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,221	21 01/24/2002		Nicholas F. Borrelli	SP02-014	1716
22928	7590	09/21/2004		EXAMINER	
CORNING SP-TI-3-1	G INCOR	PORATED		WALLS, D	IONNE A
CORNING, NY 14		331		ART UNIT	PAPER NUMBER
				1731	
				DATE MAILED: 09/21/2004	1

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	< C.
0.00	10/057,221	BORRELLI ET AL.	<i>)</i> .
Office Action Summary	Examiner	Art Unit	
	Dionne A. Walls	1731	
The MAILING DATE of this communication Period for Reply	n appears on the cover sheet w	ith the correspondence addres	ss
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CI after SIX (6) MONTHS from the mailing date of this communication - If the period for reply specified above is less than thirty (30) days, - If NO period for reply is specified above, the maximum statutory properties of the period for reply within the set or extended period for reply will, by any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no event, however, may a on. a reply within the statutory minimum of thin eriod will apply and will expire SIX (6) MON statute, cause the application to become Al	reply be timely filed ty (30) days will be considered timely. JTHS from the mailing date of this commu BANDONED (35 U.S.C. § 133).	ınication.
Status			
1) Responsive to communication(s) filed on	·		
•	This action is non-final.		
3) Since this application is in condition for all closed in accordance with the practice und		-	erits is
Disposition of Claims			•
4) ☐ Claim(s) 1-10 is/are pending in the application Papers 4a) Of the above claim(s) 7-10 is/are withdestate state of the above claim(s) 7-10 is/are withdestate state of the above claim(s) 1-6 is/are allowed. 5) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction a	rawn from consideration.		
•		•	
9) The specification is objected to by the Exam		<u>-</u> .	
10) The drawing(s) filed on is/are: a)			
Applicant may not request that any objection to Replacement drawing sheet(s) including the co			101/4)
11) The oath or declaration is objected to by the			
Priority under 35 U.S.C. § 119			•
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority docum 2. Certified copies of the priority docum 3. Copies of the certified copies of the application from the International But * See the attached detailed Office action for a	nents have been received. nents have been received in A priority documents have been ireau (PCT Rule 17.2(a)).	pplication No received in this National Stag	je
Attachment(s)	∧□ -	(DTC 140)	
)⊠ Notice of References Cited (PTO-892) ⑵	4) ∐ Interview S) Paper No(s	ummary (PTO-413))/Mail Date	
Information Disclosure Statement(s) (PTO-1449 or PTO/SE Paper No(s)/Mail Date		formal Patent Application (PTO-152))

Application/Control Number: 10/057,221

Art Unit: 1731

DETAILED ACTION

Page 2

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to a method of manufacturing a polarizing glass article, classified in class 65, subclass 30.13.
- II. Claims 7-10, drawn to a polarizing glass article, classified in class 359.

 The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process, such as one wherein after an initial glass batch is melted, cooled, and shaped into a glass article, it is immediately subjected to elevated temperatures to generate halide crystals, without an intervening step of subjecting the glass article to ion-exchange.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Application/Control Number: 10/057,221 Page 3

Art Unit: 1731

5. During a telephone conversation with Mr. Tim Schaeberle on Wednesday, September 15th, 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-6. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Objections

- 7. Claim 1 is objected to because of the following informalities:
- In lines 16-18, Applicant has recited that the silver or copper halide crystals are reduced to "silver metal"; however, it appears as if Applicant intends to recite "silver <u>or copper</u> metal". Since both silver and copper metal halides have been referred to in the alternative throughout the claim, it follows that both the silver and copper metal would be recited as it relates to the reduced form of the respective metal halides. Appropriate correction is requested.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Application/Control Number: 10/057,221

Art Unit: 1731

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Page 4

- Applicant has recited "wherein the article contains a central layer containing essentially no silver or copper halide crystals", but it is not clear at what point this is the case, i.e. after the ion-exchanging step, or after exposure to a reducing atmosphere? Specifically, it is not clear whether or not Applicant is referring to the finished glass article in the claim.

Allowable Subject Matter

- 3. Subject to the above "Claim Objection" and "35 USC 112-2" issues, claims 1-6 are allowed.
- 4. The following is an examiner's statement of reasons for allowance:
- Applicant has claimed an unobvious improvement in known methods of manufacturing a polarizing glass articles (disclosed, particularly, in US. Pat Nos. 4908054 and 6313947) which include melting a glass batch containing metal halides; cooling and shaping the melt into a glass article; subjecting the glass to high temperatures to precipitate metal halide crystals; elongating the glass article and exposing the elongated glass article to a reducing atmosphere to initial reduction of the metal halides to their corresponding metal. It would not have been obvious to modify the prior art of record to also include the intermediate step of subjecting the glass melt to an ion-exchanging procedure to exchange metal into the surface of the glass article.

Application/Control Number: 10/057,221

Art Unit: 1731

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne A. Walls whose telephone number is (571) 272-1195. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dionne A. Walls Primary Examiner Art Unit 1731

September 17, 2004